

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DALLAS BUYERS CLUB, LLC,

Plaintiff,

v.

ANDY BUI, et al.,

Defendants.

CASE NO. C14-1926RAJ

ORDER

I. INTRODUCTION

This Matter comes before the Court on Plaintiff Dallas Buyers Club, LLC's ("Plaintiff") Motion for Default Judgment against Defendant Andy Bui ("Mr. Bui"). Dkt. # 55. For the reasons set forth below, this Court **GRANTS** Plaintiff's Motion.

II. BACKGROUND

This case is one of 13 practically identical cases filed between July 2014 and April 2015 alleging copyright infringement by 4 to 39 Doe defendants. The facts of this case are simple. Plaintiff is a developer and producer of the movie *Dallas Buyers Club*. See Dkt. # 54 (Second Am. Compl. ("SAC")) ¶ 1.¹ Plaintiff is the owner of a registered copyright in *Dallas Buyers Club*, Registration No. PA 1-873-195. See id. ¶ 6, Ex. A. Mr. Bui, along with several other defendants, is alleged to have participated in a peer-to-peer

¹ It actually appears that Mr. Bui defaulted on the First Amended Complaint ("FAC") in this Action. See Dkt. # 43. However, the allegations between the FAC and the SAC do not appear to be substantially different so the Court will refer primarily to the SAC.

1 network using the BitTorrent protocol² to download and share *Dallas Buyers Club*. See
 2 *id.* ¶¶ 20, 24. Mr. Bui in particular is alleged to have shared the IP address
 3 67.168.255.171, which was observed sharing *Dallas Buyers Club* on September 8, 2014.
 4 *See id.* ¶ 20, Ex. C. Plaintiff alleges that the actual named subscriber identified Mr. Bui
 5 as the actual infringer. *Id.* ¶ 20. Plaintiff has not authorized any defendant to use an
 6 online media distribution system, including BitTorrent, to misappropriate, reproduce, or
 7 distribute *Dallas Buyers Club* to the public. *See id.* ¶ 40.

8 Plaintiff now brings a claim for copyright infringement against Mr. Bui and the
 9 other defendants for participating in the BitTorrent “swarm.” *See id.* ¶¶ 37-47. Through
 10 this Motion, Plaintiff seeks default judgment against Mr. Bui including a permanent
 11 injunction, statutory damages, and costs and attorneys’ fees.

12 III. LEGAL STANDARD

13 Federal Rule of Civil Procedure 55(b) authorizes a court to grant default judgment.
 14 Typically, default judgment is entered after the Clerk of Court has entered default under
 15 Federal Rule of Civil Procedure 55(a), but district courts also have that authority. *See*
 16 *Dreith v. Nu Image, Inc.*, 648 F.3d 779, 788 (9th Cir. 2011). The court’s role in
 17 considering a motion for default judgment is not ministerial. The court must accept all
 18 well-pleaded allegations of the complaint as established fact, except facts related to the
 19 amount of damages. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir.
 20 1987). Where those facts establish a defendant’s liability, the court has discretion, not an
 21 obligation, to enter a default judgment. *Alan Neuman Prods., Inc. v. Albright*, 862 F.2d
 22 1388, 1392 (9th Cir. 1988); *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). The
 23 plaintiff must provide evidence to support a claim for a particular sum of damages.
 24 *TeleVideo Sys.*, 826 F.2d at 917-18; *see also* Fed. R. Civ. P. 55(b)(2)(B). Where the

26 ² Numerous courts have described how the BitTorrent protocol works in detail. *See e.g.*, *Purzel*
 27 *Video GmbH v. Biby*, 13 F. Supp. 3d 1127, 1131-33 (D. Colo. 2014); *Patrick Collins, Inc. v.*
John Does 1-21, 282 F.R.D. 161, 162-64 (E.D. Mich. 2012); *Malibu Media, LLC v. John Does 1-*
 28 *5*, 285 F.R.D. 273, 275-76 (S.D.N.Y. 2012).

1 plaintiff cannot prove that the sum he seeks is “a liquidated sum or capable of
 2 mathematical calculation,” the court must conduct a hearing or otherwise ensure that the
 3 damage award is appropriate. *Davis v. Fendler*, 650 F.2d 1154, 1161 (9th Cir. 1981).

4 IV. DISCUSSION

5 a. Whether Plaintiff Has Proven Copyright Infringement

6 Plaintiff must first prove Mr. Bui’s liability. To establish copyright infringement,
 7 plaintiff must show two elements: “(1) ownership of a valid copyright, and (2) copying of
 8 constituent elements of the work that are original.” *L.A. Printex Indus., Inc. v.*
Aeropostale, Inc., 676 F.3d 841, 846 (9th Cir. 2012) (quoting *Feist Publ’ns, Inc. v. Rural*
Tel. Serv. Co., 499 U.S. 340, 361 (1991)).

9 Plaintiff has alleged and shown its ownership of a valid and registered copyright in
 10 the *Dallas Buyers Club* film. *See SAC ¶¶ 1, 6, Ex. A.* This “is considered prima facie
 11 evidence of the validity of the copyright.” *Syntek Semiconductor Co., Ltd. v. Microchip*
Tech. Inc., 307 F.3d 775, 781 (9th Cir. 2002); 17 U.S.C. § 410(c). As such, Plaintiff has
 12 established the first element.

13 Plaintiff has also alleged that Mr. Bui copied pieces of *Dallas Buyers Club*. *See*
 14 *id. ¶¶ 20, 40*. More specifically, Plaintiff has alleged and presented evidence that the IP
 15 address Mr. Bui shared with a subscriber identified by the ISP copied and distributed
 16 pieces³ of the film. *See id. ¶ 20; see also Dkt. # 56-1 (Lowe Decl.) Ex. C at 12.* In fact, it
 17 appears that Mr. Bui copied and distributed the entire film. *See SAC ¶ 40* (alleging that
 18 each defendant distributed the same “seed file” of *Dallas Buyers Club*). The Court is
 19 somewhat skeptical of the sufficiency of Plaintiff’s proof, given that the subscriber is not
 20 directly named and Plaintiff provides no details regarding how he conveyed Mr. Bui’s
 21 liability to Plaintiff. *See Dkt. # 56 (Lowe Decl.) ¶ 14.* Nevertheless, the Court must
 22

23 ³ In an Order in a related case, the Court noted that it was not clear whether Plaintiff had
 24 established that the named defendant had copied the entire film, though that was unnecessary
 25 given the identical factual allegations regarding distribution of the “seed file”. *See Dallas*
Buyers Club, LLC v. Madsen, No. C14-1153RAJ, 2015 WL 6680260, at *2 (W.D. Wash. Nov. 2,
 26 2015). The situation here appears identical. *See Dkt. # 6 (Macek Decl.) ¶ 17.*

1 deem the facts in the SAC to be true for establishing liability. *See Derek Andrew, Inc. v.*
2 *Poof Apparel Corp.*, 528 F.3d 696, 702 (9th Cir. 2008). And the Court cannot gainsay
3 Plaintiff's factual allegations without the benefit of an actual opposition from Mr. Bui.
4 As such, the Court must find that the second element has been met and that Plaintiff has
5 established Mr. Bui's liability for copyright infringement.

6 b. Whether Default Judgment Is Appropriate

7 Having established liability, Plaintiff must also show that default judgment is
8 warranted. Courts often apply the factors listed in *Eitel v. McCool*, 782 F.2d 1470, 1471-
9 72 (9th Cir. 1986) to determine if default judgment is appropriate. Those factors are: (1)
10 the possibility of prejudice to plaintiff, (2) the merits of plaintiff's substantive claims, (3)
11 the sufficiency of the complaint, (4) the sum of money at stake in the action; (5) the
12 possibility of a dispute concerning the material facts; (6) whether defendant's default was
13 the product of excusable neglect, and (7) the strong public policy favoring decisions on
14 the merits. *Id.*

15 The factors generally weigh in favor of granting default judgment. Without entry
16 of default judgment, Plaintiff will be prejudiced because it will be left without a legal
17 remedy. *See Landstar Ranger, Inc. v. Parth Enters., Inc.*, 725 F. Supp. 2d 916, 920 (C.D.
18 Cal. 2010). As discussed above, Plaintiff has adequately alleged and shown Mr. Bui's
19 liability. The amount at stake is also relatively modest – Plaintiff seeks \$2,500 in
20 statutory damages and \$2,498.42 in costs and attorneys' fees. *See* Dkt. # 55 at 6-7; Dkt. #
21 56 (Lowe Decl.) ¶¶ 11-12. It is also unlikely that Mr. Bui's failure to respond is the
22 product of excusable neglect. Plaintiff served an individual named "Leslie Bui,"
23 ostensibly Mr. Bui's relative residing at the same address, in December 2015 meaning
24 that Mr. Bui likely had ample notice of the action. *See* Dkt. # 47 at 2.

25 The Court acknowledges that a dispute may arise concerning material facts,
26 including whether Mr. Bui is the actual infringer. *See In re BitTorrent Adult Film*
27 *Copyright Infringement Cases*, 296 F.R.D. 80, 84 (E.D.N.Y. 2012) (finding that "it is no

more likely that the subscriber to an IP address carried out a particular computer function . . . than to say an individual who pays the telephone bill made a specific telephone call.”). As the Court previously noted, this concern is particularly glaring where the subscriber identifies another individual through unknown means and for unknown reasons. However, the Court finds that such a possibility is insufficient to outweigh the other factors weighing in favor of granting default judgment at this juncture, especially given that Mr. Bui’s relative appears to have accepted service of process, giving Mr. Bui ample opportunity to contest the allegations. *See Dkt. # 47 at 2.* Finally, although there is a strong policy for deciding cases on their merits (*see Eitel*, 782 F.2d at 1472), Mr. Bui’s failure to respond to Plaintiff’s claims means that this factor does not preclude entry of default judgment (*see Vogel v. Rite Aid Corp.*, 992 F. Supp. 2d 998, 1013 (C.D. Cal. 2014)).

As the *Eitel* factors generally weigh in favor of granting default judgment, the Court will **GRANT** Plaintiff’s Motion. What remains is determining what relief Plaintiff should be awarded.

c. Appropriate Relief

Plaintiff requests three categories of relief: (1) permanent injunctive relief, (2) statutory damages not less than \$2,500, and (3) attorneys’ fees and costs. *See Dkt. # 55 at 4-7.*

i. *Injunctive Relief*

Plaintiff first requests an injunction enjoining Mr. Bui from infringing on Plaintiff’s rights in *Dallas Buyers Club*, including through using the Internet. *See Dkt. # 55 at 4.* 17 U.S.C. § 502(a) permits a court to grant final injunctions to “prevent or restrain infringement of a copyright.” Under 17 U.S.C. § 503(b), the court may order the destruction of copies found to have been made or used in violation of a copyright owner’s rights. Parties obtaining a permanent injunction ordinarily must satisfy a four part test: (1) irreparable harm; (2) lack of adequate remedies at law; (3) the balance of hardships

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1 weighs in its favor; and (4) the injunction is in the public's interest. *See eBay, Inc. v.*
2 *MercExchange, LLC*, 547 U.S. 388, 393-94 (2006).

3 The Court agrees that injunctive relief is appropriate here. As in numerous other
4 BitTorrent cases (*see e.g., Malibu Media, LLC v. Flanagan*, No. 2:13-CV-5890, 2014
5 WL 2957701, at *5 (E.D. Pa. July 1, 2014)), the four elements are established here.
6 Furthermore, “[a]s a general rule, a permanent injunction will be granted when liability
7 has been established and there is a threat of continuing violations.” *MAI Sys. Corp. v.*
8 *Peak Comput., Inc.*, 991 F.2d 511, 520 (9th Cir.1993) (citing *Nat'l Football League v.*
9 *McBee & Bruno's, Inc.*, 792 F.2d 726, 732 (8th Cir.1986)). Consequently, the Court will
10 issue a permanent injunction enjoining Mr. Bui from infringing Plaintiff’s rights in
11 *Dallas Buyers Club* and ordering him to destroy all unauthorized copies of *Dallas Buyers*
12 *Club*.

13 ii. *Statutory Damages*

14 Next, Plaintiff requests an award of statutory damages at least in the amount of
15 \$2,500 (and urges the Court to award closer to \$6,000) for the single instance of
16 copyright infringement alleged. *See* Dkt. # 55 at 6.

17 Under 17 U.S.C. § 504(c)(1), the Court may award statutory damages “in a sum of
18 not less than \$750 or more than \$30,000 as the court considers just” for each infringed
19 work. Statutory damages “serve both compensatory and punitive purposes” so as “to
20 sanction and vindicate the statutory policy of discouraging infringement.” *Los Angeles*
21 *News Serv. v. Reuters Int'l, Ltd.*, 149 F.3d 987, 996 (9th Cir. 1998) (quoting *Peer Int'l*
22 *Corp. v. Pausa Records, Inc.*, 909 F.2d 1332, 1336 (9th Cir. 1990)). When considering
23 the proper amount of damages, the Court takes into account the amount of money
24 requested in relation to the seriousness of the defendant’s conduct, whether large sums of
25 money are involved, and whether “the recovery sought is proportional to the harm caused
26 by defendant’s conduct.” *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1212
27 (W.D. Wash. 2014) (citing *Landstar*, 725 F. Supp. 2d at 921). District courts have “wide
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1 discretion in determining the amount of statutory damages to be awarded, constrained
 2 only by the specified maxima and minima.” *Harris v. Emus Records Corp.*, 734 F.2d
 3 1329, 1355 (9th Cir. 1984).

4 Courts have found that in nearly identical cases, “damages of no more than \$6,500
 5 per infringement to be sufficient compensation for the injured copyright holder.” *AF*
 6 *Holdings LLC v. Bossard*, 976 F. Supp. 2d 927, 930 (W.D. Mich. 2013) (collecting
 7 cases); *TCYK, LLC v. John Does 48-98*, No. 2:13-CV-540, 2015 WL 127922, at *2 (S.D.
 8 Ohio Jan. 8, 2015) (collecting cases and awarding \$6,000). And at least one court has
 9 addressed the appropriate sanction involving the same film, ultimately awarding \$2,250.
 10 See *Dallas Buyers Club, LLC v. Cordova*, 81 F. Supp. 3d 1025, 1035 (D. Colo. 2015).
 11 Plaintiff’s requested award is within this range.

12 Furthermore, Plaintiff has presented some evidence and allegations that Mr. Bui’s
 13 infringement was willful⁴ (see Dkt. # 55 at 5-6), even though its requested statutory
 14 damages amount is less than the \$30,000 the Court may award for non-willful
 15 infringement (see 17 U.S.C. § 504(c)(1)). Specifically, Plaintiff has alleged that *Dallas*
 16 *Buyers Club* bears a copyright notice. SAC ¶ 43. A copyright notice may create an
 17 evidentiary presumption against an innocent infringer defense. See 17 U.S.C. § 401(d);
 18 *Idearc Media Corp. v. Nw. Directories, Inc.*, 623 F. Supp. 2d 1223, 1230 (D. Or. 2008).
 19 The allegations reasonably support a finding that Mr. Bui willfully infringed on *Dallas*
 20 *Buyers Club*.

21 Nevertheless, the Court finds that the statutory minimum of \$750 is the
 22 appropriate award in this case. For one, this is the same award the Court found
 23 appropriate in *Madsen* and it makes little sense to differentiate between the defendants.
 24 See 2015 WL 6680260 at *2. Other reasons also justify a lower award. For one, there is

25 ⁴ “To prove ‘willfulness’ under the Copyright Act, the plaintiff must show (1) that the defendant
 26 was actually aware of the infringing activity, or (2) that the defendant’s actions were the result of
 27 ‘reckless disregard’ for, or ‘willful blindness’ to, the copyright holder’s rights.” *Louis Vuitton*
Malletier, S.A. v. Akanoc Sols., Inc., 658 F.3d 936, 944 (9th Cir. 2011) (quoting *Island Software*
& Comput. Serv., Inc. v. Microsoft Corp., 413 F.3d 257, 263 (2d Cir. 2005)).

simply no evidence that Mr. Bui profited from the infringement, justifying a lower statutory damages award. *See Bossard*, 976 F. Supp. 2d at 931 (finding that “The nature of BitTorrent is such that [defendant] would not likely have reaped any profit from his infringement of [plaintiff’s] copyright, except for the comparatively small sum he saved by illegally downloading, rather than buying, his own copy of [the infringed work]”). Additionally, there is no evidence that Mr. Bui was the original “seed” or user who made Plaintiff’s work available. *See Flanagan*, 2014 WL 2957701 at *4. Finally, this award is in line with the awards given by other courts in the Ninth Circuit and appears adequate to deter Mr. Bui and others from infringing on Plaintiff’s copyright in the future. *See e.g.*, *Voltage Pictures, LLC v. Martinez*, No. 3:15-CV-00002-AC, 2015 WL 4772856, at *4 (D. Or. Aug. 11, 2015); *Elf-Man, LLC v. C.G. Chinque Albright*, No. 13-CV-0115-TOR, 2014 WL 5543845, at *7 (E.D. Wash. Oct. 31, 2014); *Thompsons Film, LLC v. Athias*, No. 13-CV-0126-TOR, 2014 WL 5543900, at *9 (E.D. Wash. Oct. 31, 2014).

iii. Attorneys’ Fees and Costs

Finally, Plaintiff seeks \$2,342 in attorneys’ fees and \$156.42 in costs. *See* Dkt. # 56 (Lowe Decl.) ¶¶ 11-12. Pursuant to 17 U.S.C. § 505, the Court may “in its discretion may allow the recovery of full costs by or against any party” and “may also award a reasonable attorney’s fee to the prevailing party.”

Courts may consider several factors in making an attorneys’ fee determination under the Copyright Act, including “(1) the degree of success obtained, (2) frivolousness, (3) motivation, (4) objective unreasonableness (legal and factual), and (5) the need to advance considerations of compensation and deterrence.” *Smith v. Jackson*, 84 F.3d 1213, 1221 (9th Cir. 1996) (citing *Jackson v. Axton*, 25 F.3d 884, 890 (9th Cir. 1994)). These factors all weigh in favor of awarding attorneys’ fees. Plaintiff has obtained success on its non-frivolous claims. Moreover, awarding fees would advance considerations of compensation and deterrence.

1 Courts begin with a “lodestar” method in calculating reasonable attorneys’ fees,
 2 which is obtained by multiplying the number of hours reasonably expended on the
 3 litigation by an hourly rate. *See Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978
 4 (9th Cir. 2008). Plaintiff has proposed \$2,342 for 5.39 hours of attorney work at an
 5 hourly rate of \$450. *See Dkt. # 56 (Lowe Decl.) ¶ 11*. Plaintiff’s counsel has apparently
 6 prorated the billed hours to only include those attributable to prosecuting its claims
 7 against Mr. Bui. *See id. ¶ 10*. A review of the billing records submitted suggests that the
 8 claimed hours are appropriate.⁵

9 In the Court’s previous Order in *Madsen*, the Court concluded that the lodestar
 10 amount using the requested hourly rates of \$495 or \$510 should be reduced to reflect an
 11 hourly rate of \$300 after considering “the (1) time and labor required and (2) skill
 12 requisite to perform the legal services properly.” 2015 WL 6680260 at *5-6 (citing *Kerr*
 13 v. *Screen Extras Guild*, 526 F.2d 67, 67 (9th Cir. 1975)). The Court noted that numerous
 14 other courts have found higher attorneys’ fees to be inappropriate in similar BitTorrent
 15 cases because these cases amount to little more than “form-pleading” requiring little legal
 16 skill or attention. *Id.* (citing cases). Other cases have made this even more explicit,
 17 noting that BitTorrent cases being handled by the same firm using practically identical
 18 pleadings do not require any unique skill. *See Cobbler Nevada, LLC v. Reardon*, No.
 19 3:15-CV-01077-ST, 2015 WL 9239773, at *4 (D. Or. Dec. 16, 2015). This is particularly
 20 apparent here, where Plaintiff simply reused the identical pleadings in its efforts against
 21 Defendant Eric Nydam in the related Case No. C14-1819RAJ. Plaintiff failed to even
 22 correct the names on many of the pleadings submitted to the Court in connection with the
 23 instant Motion. *See Dkt. # 48-1* (“It appearing that Defendant Eric Nydam has failed to
 24 answer . . .”), 56 (captioned as “Declaration of Derek A. Lowe in Support of Default

25
 26 ⁵ The Court is somewhat troubled by the fact that none of the billing entries reflect
 27 communications with the subscriber who identified Mr. Bui. *See Dkt. # 56 (Lowe Decl.) ¶ 10*.
 28 However, the Court is not in any position to contradict Plaintiff’s factual allegations regarding
 Mr. Bui’s liability.

1 Judgment Against Eric Nydam"). Plaintiff's counsel, Mr. Lowe, claims that these cases
 2 require being able to understand, explain, and apply both the forensic tools and
 3 knowledge of the Copyright Act to the BitTorrent protocol, but there are hundreds, if not
 4 thousands, of practically identical cases involving substantially identical factual
 5 situations, many prosecuted by individuals with far less skill than Plaintiff's counsel. *See*
 6 *Reardon*, 2015 WL 9239773 at *4. It simply does not require extensive knowledge in the
 7 area to prepare nearly identical subpoenas to ISPs, draft substantially identical letters,
 8 communicate with process servers, and to request default judgment against a particular
 9 party. *See* Dkt. # 56 (Lowe Decl.) ¶ 10 (listing Mr. Lowe's activities, none of which
 10 appear to involve researching sophisticated minutiae regarding BitTorrent).

11 In support of its renewed request for an hourly rate of \$450, Plaintiff now presents
 12 an excerpt from the American Intellectual Property Law Association's "Report of the
 13 Economic Survey 2015." *See* Dkt. # 56-1 (Lowe Decl.) Ex. A. Plaintiff claims that the
 14 \$450 hourly rate it requests in attorneys' fees is reasonable because it is consistent with
 15 the average rates in the "Other West" category. *See* Dkt. # at 7. But the "Other West"
 16 hourly rates listed actually supports the \$300 hourly rate this Court awarded in *Madsen*.
 17 Specifically, the median "Minimum Billing Rate for IP Work"⁶ listed for "Other West" is
 18 \$200. *See* Dkt. # 56-1 (Lowe Decl.) Ex. A at 3. The median "Maximum Billing Rate"
 19 was just \$450. There is little reason why this particular case required extensive skill or
 20 experience – this matter used practically identical pleadings from several other cases and
 21 encountered little to no opposition – suggesting that the minimum rate is far more
 22 appropriate.

23 The Court continues to believe that a reduction in the hourly rate is necessary and
 24 will adopt the \$300 hourly rate it used in *Madsen* as it better reflects the prevailing
 25 market rate for similar work. Using this rate yields an attorneys' fee award of \$1,617,
 26 reflecting 5.39 hours of attorney work at a \$300 hourly rate.

27 ⁶ The cited portions do not distinguish between different types of IP work.
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1 Finally, Plaintiff requests \$156.42 in prorated costs (*see* Dkt. # 56 (Lowe Decl.) ¶
2 12) and has presented receipts documenting the costs of serving Mr. Bui (*see* Dkt. # 56-1
3 (Lowe Decl.) Ex. B at 8-9). The Court finds that these costs are appropriate.

4 **V. CONCLUSION**

5 For the foregoing reasons, the Court **GRANTS** Plaintiff's Motion and enters
6 default judgment against Mr. Bui. The Clerk will enter judgment for Plaintiff following
7 this Order. Specifically, this Court enters judgment against Mr. Bui as follows:

- 8 1. Defendant Andy Bui is hereby permanently enjoined from directly, indirectly,
9 or contributorily infringing Plaintiff Dallas Buyers Club, LLC's rights in the
10 work *Dallas Buyers Club*, including without limitation by using the Internet to
11 reproduce or copy *Dallas Buyers Club*, to distribute *Dallas Buyers Club*, or to
12 make *Dallas Buyers Club* available for distribution to the public, except
13 pursuant to lawful written license or with the express authority of Plaintiff;
14 2. To the extent any such material exists, Defendant Andy Bui is directed to
15 destroy all unauthorized copies of *Dallas Buyers Club* in his possession or
16 subject to his control;
17 3. Statutory damages in the amount of \$750;
18 4. Attorneys' fees in the amount of \$1,617 and costs in the amount of \$156.42.

19
20 DATED this 30th day of March, 2016.

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24 The Honorable Richard A. Jones
25 United States District Court
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